

TTAB

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TTT MERITAS LAW FIRMS WORLDWIDE

February 15, 2005

Via U.S. Express Mail

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: *Walters Gardens, Inc. vs. Pride of Place Plants, Inc.*
Opposition No. 91153755
Our File No. 95043.003

Dear Sir or Madam:


Please find enclosed a Request to Reset Rebuttal Testimony and Briefing Periods Pursuant to TBMP § 713.13 in triplicate, Certificate of Service and Certificate of Express Mail for filing in the captioned opposition.

Thank you for your assistance.

Very truly yours,

MILLER, JOHNSON, SNELL & CUMMISKEY, P.L.C.

By


Barry C. Kane

BCK/nf
Enclosures
#908614



02-16-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

WALTERS GARDENS, INC.)	
)	
vs. Opposer,)	Opposition No. 91153755
)	
PRIDE OF PLACE PLANTS, INC.)	
)	Mark: PIILU
Applicant.)	Serial Nos: 76/201/447
)	Filed: January 29, 2001
)	
)	
)	

To: Gary J. Nelson
CHRISTIE, PARKER & HALE, LLP
Attorneys for Applicant
350 W. Colorado Blvd., Suite 500
P.O. Box 7068
Pasadena, California 91109-7068
(626) 795-9900

**Request to Reset Rebuttal Testimony and Briefing Periods
Pursuant to TBMP § 713.13**

Opposer requests that the Board reset the dates for Opposer's rebuttal testimony and final briefing period in light of Applicant's February 14, 2005 service of the testimony transcript of its only witness, Rick Sorenson. This extension of time is permitted under TBMP § 713.13 where the Applicant failed to serve the testimony transcript on Opposer within thirty days following completion of the taking of that testimony.

Applicant's testimony period was set to close December 31, 2005. The testimony of Rick Sorenson was taken December 22, 2005. Opposer did not receive a copy of the testimony transcript until February 14, 2005.

Accordingly, Opposer requests that the Board recalculate and reset the dates for Opposer's rebuttal testimony period to close April 15, 2005 opening 15 days before that date in order to provide adequate time for this request to be received and heard.



Thereafter, Opposer requests that Opposer's brief be due June 15, 2005 and all subsequent dates set accordingly.

MILLER, JOHNSON, SNELL & CUMMISKEY, P.L.C.

Attorneys for Opposer Walters Gardens, Inc.

Dated: February 15, 2005

By



Barry C. Kane

Business Address:

250 Monroe Avenue, N.W., Suite 800
PO Box 306
Grand Rapids, Michigan 49501-0306
Telephone: (616) 831-1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

WALTERS GARDENS, INC.)

Opposer,)

vs.)

PRIDE OF PLACE PLANTS, INC.)

Applicant.)

Opposition No. 91153755

Mark: PIILU

Serial Nos: 76/201/447

Filed: January 29, 2001

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Request for resetting of dates has been deposited in the United States Postal Service, first-class postage prepaid, addressed to Gary J. Nelson at CHRISTIE, PARKER & HALE, LLP, Attorneys for Applicant, 350 W. Colorado Blvd., Suite 500, P.O. Box 7068, Pasadena, California 91109-7068, (626) 795-9900, this 15th day of February 2005.

By



Attorney for Opposer

Barry C. Kane

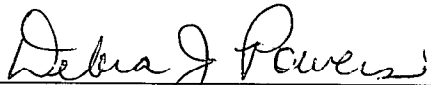
250 Monroe Avenue, N.W., Suite 800

PO Box 306

Grand Rapids, Michigan 49501-0306

Telephone: (616) 831-1700

Subscribed and sworn to before me
this 15th day of February 2005



Debra J. Powers, Notary Public

State of Michigan, County of Kent

My Commission Expires: 07/07/06

Acting in the County of Kent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

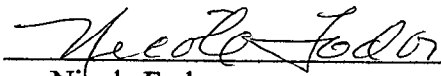
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CERTIFICATE OF EXPRESS MAILING

I hereby certify that the attached Request to Reset Rebuttal Testimony and Briefing Periods Pursuant to TBMP § 713.13 and related papers are being deposited with the United States Postal Service using Express Mail Service, Express Mail Label No. EV 436 429 733 US in an envelope addressed to:

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

on February 15, 2005.



Nicole Fodor
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